

Marc J. Randazza, CA Bar No. 269535
Alex J. Shepard, CA Bar No. 295058
RANDAZZA LEGAL GROUP, PLLC
2764 Lake Sahara Drive, Suite 109
Las Vegas, Nevada 89117
Telephone: 702-420-2001
ecf@randazza.com

*Attorneys for Defendants,
Infowars, LLC and Free Speech Systems, LLC*

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MATT FURIE,

Plaintiff,

vs.

INFOWARS, LLC; FREE SPEECH
SYSTEMS, LLC,

Defendants.

Case No. 2:18-cv-01830-MWF-JPR

**DEFENDANTS INFOWARS, LLC
AND FREE SPEECH SYSTEMS,
LLC'S NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Date: May 6, 2019

Time: 10:00 a.m.

Hon. Michael W. Fitzgerald

Case Filed: March 5, 2018

Trial Date: July 16, 2019

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD,**
2 **PLEASE TAKE NOTICE THAT** on May 6, 2019 at 10:00 a.m., before Courtroom
3 5A of the above-identified Court, located at First Street Courthouse, 350 West First
4 Street, Los Angeles, California 90012, Defendants Infowars, LLC and Free Speech
5 Systems, LLC (collectively, “Defendants”) will, and hereby do, move for summary
6 judgment on all claims brought by Plaintiff Matt Furie. The grounds for the instant
7 Motion are more particularly set forth in the Memorandum of Points and Authorities
8 filed concurrently. Briefly and without limitation to the foregoing, Defendants move
9 for summary judgment because (1) Defendant Infowars did not take part in any
10 allegedly infringing activity; (2) Defendant FSS’s sale of the allegedly infringing work at
11 issue is a fair use under copyright law; (3) Mr. Furie has abandoned any copyright
12 interest he had in the character of Pepe the Frog and/or granted FSS an implied license
13 to use the character; and (4) Mr. Furie cannot recover statutory damages or attorneys’
14 fees under the Copyright Act.

15 This Motion is based on this Notice of Motion, as well as on the Memorandum
16 of Points and Authorities, the Statement of Uncontroverted Facts and Conclusions of
17 Law and exhibits thereto, the Declaration of Heather Ebert in support, the papers and
18 pleadings on file in this action, and such arguments and evidence as may be introduced
19 at the hearing on this Motion.

20 This motion is made following the conference of counsel pursuant to L.R. 7-3,
21 via telephone conversation, which took place on March 15, 2019.

Dated: April 8, 2019

Respectfully submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 8, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notice of Electronic Filing generated by CM/ECF.

Respectfully submitted,

s/ Marc J. Randazza

Marc J. Randazza